

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
)
)
)
)
)

3:09-md-02100-DRH-CJP

MDL No. 2100

This Document Relates to:

ALL CASES

ORDER #3

ORDER APPOINTING DEFENDANTS' LEAD AND LIAISON COUNSEL

HERNDON, Chief Judge:

The Court **APPOINTS** the following attorneys as Liaison and Lead Counsel for Defendants:

John Galvin as Co - Liaison Counsel

Terry Lueckenhoff as Co -Liaison Counsel

Adam L. Hoeflich as Lead Counsel

The responsibilities of Defendants' Liaison Counsel shall be the following:

1. To serve as the recipient for all Court Orders on behalf of Defendants.
2. To coordinate service and filings for Defendants whether presently included or subsequently added.
3. To maintain and distribute to co-counsel and to Plaintiffs' Counsel an up-to-

date service list.

4. To receive and distribute pleadings, orders, and motions by overnight courier service and/or telecopier within two days after receipt, unless such service has been waived, in writing, by a receiving counsel (until some program for electronic service can be arranged and agreed upon).

5. To coordinate the establishment of a document depository, real or virtual, to be available to all participating Defendants' counsel.

6. To maintain and make available to all participating Defendants' counsel of record at reasonable hours a complete file of all documents served by or upon each party (except such documents as may be available at a document depository);

7. To prepare agendas for court conferences and periodically report regarding the status of the case.

8. To carry out such other duties as the Court may order.

It shall be the duty of Defendants' Liaison Counsel to coordinate the responsibilities with Defendants' Lead Counsel, appear at periodic Court noticed status conferences, perform other necessary administrative or logistic functions of the DSC and carry out any other duty as the Court may order. Liaison Counsel shall be entitled to seek reimbursement for costs expended at the time and in a manner approved by the Court.

Lead Counsel shall have the following responsibilities:

Discovery

(1) Initiate, coordinate, and conduct all pretrial discovery on behalf of

Defendants in all actions which are consolidated with the instant multi-district litigation.

(2) Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of the defendants.

(3) Cause to be issued in the name of the defendants the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation.

(4) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of the Defendants.

Hearings and Meetings

(1) Call meetings of counsel for Defendants for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.

(2) Examine witnesses and introduce evidence at hearings on behalf of Defendants.

(3) Act as spokesperson for the Defendants pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any defendant's counsel to present non-repetitive individual or different positions.

Miscellaneous

(1) Submit and argue any verbal or written motions presented to the Court or

Magistrate on behalf of the Defendants as well as oppose when necessary any motions submitted by the Plaintiffs or other parties which involve matters within the sphere of the responsibilities.

(2) Negotiate and enter into stipulations with Plaintiffs regarding this litigation. All stipulations entered into by Lead Counsel, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation.

(3) Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.

(4) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL Defendants or their attorneys.

(5) Perform any task necessary and proper to accomplish the responsibilities as defined by the Court's Orders.

(6) Perform such other functions as may be expressly authorized by further Orders of this Court.

IT IS SO ORDERED.

Signed this 12th day of November, 2009.

/s/ David R. Herndon
Chief Judge
United States District Court